

# EXHIBIT E

**From:** [Duxstad, Lauren](#)  
**To:** [lmalm@cgsh.com](mailto:lmalm@cgsh.com)  
**Cc:** [Badini, Aldo](#); [Torpey, Susannah](#); [DalSanto, Matthew](#); [Cui, Mulan](#); [Dan Johnson](#); [Mario Moore](#); ["Valarie Williams"](#); [Welch, Emily](#)  
**Subject:** RE: In re Keurig - Gajarsa Report  
**Date:** Thursday, December 17, 2020 3:08:00 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)

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Larry,

Following up on the below. Please let us know by COB tomorrow whether Keurig will voluntarily withdraw Judge Gajarsa's report. If the answer is no, please provide your availability for a meet and confer on this issue on Monday.

Best,  
Lauren

**Lauren E. Duxstad**

**Associate Attorney**

Winston & Strawn LLP

T: +1 212-294-6700

D: +1 212-294-3568

F: +1 212-294-4700

[winston.com](http://winston.com)



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**From:** Duxstad, Lauren  
**Sent:** Monday, December 14, 2020 1:46 PM  
**To:** [lmalm@cgsh.com](mailto:lmalm@cgsh.com)  
**Cc:** [Badini, Aldo <ABadini@winston.com>](mailto:ABadini@winston.com); [Torpey, Susannah <STorpey@winston.com>](mailto:STorpey@winston.com); [DalSanto, Matthew R. \(MDalSanto@winston.com\) <MDalSanto@winston.com>](mailto:MDalSanto@winston.com); [Cui, Mulan <MCui@winston.com>](mailto:MCui@winston.com); ['Dan Johnson' <dan@danjohnsonlawgroup.com>](mailto:dan@danjohnsonlawgroup.com); [Mario Moore <mario@danjohnsonlawgroup.com>](mailto:mario@danjohnsonlawgroup.com); ['Valarie Williams' <valarie.williams@alston.com>](mailto:valarie.williams@alston.com); [Welch, Emily <Emily.Welch@alston.com>](mailto:Emily.Welch@alston.com)  
**Subject:** In re Keurig - Gajarsa Report

Larry,

As you know, when you first designated Judge Arthur Gajarsa as an expert to testify on the "objective baselessness of Keurig's prior claims against TreeHouse and JBR," we asked for a meet and confer with you to understand what possible basis you had for designating an expert on what is obviously a question of law and not the proper subject of expert testimony. When we had that meet and confer on July 8, 2020, you failed to provide us with any authority justifying your planned action and indicated that you would proceed as indicated, notwithstanding our objections. Consequently, over protest, Treehouse and McLane disclosed and retained Judge Randall Rader, and Rogers

disclosed and retained Judge Ware, to counter any proposed testimony that Judge Gajarsa intended to provide in the highly unlikely event that Judge Gajarsa's testimony is not excluded.

Now that we have received Judge Gajarsa's report, we can all see, as expected, that his proffered testimony is inadmissible, going to questions of law and not related to any scientific or expert field of study. Please confirm immediately that you will voluntarily withdraw his report. If not, we reserve all of our rights, including, but not limited to, the right to recover all expert and legal fees expended in replying to his facially inappropriate and inadmissible opinions.

Best,  
Lauren

**Lauren E. Duxstad**

**Associate Attorney**

Winston & Strawn LLP

T: +1 212-294-6700

D: +1 212-294-3568

F: +1 212-294-4700

[winston.com](http://winston.com)

